IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 11519 of 2007(U)

PETITIONER:

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1. K.ASIF, PROPRIETOR, CAPITAL MEDICALS,
   CAPITAL TOWER,STATUE, THIRUVANANTHAPURAM.

2. P.A.KABEER, PROPRIETOR,
   M/S.ANJU MEDICALS AND FASHION STORES,
   T.C.39/2258, EAST FORT, THIRUVANANTHAPURAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. THE CHIEF MANAGER,
   INDIAN BANK, M.G.ROAD, THIRUVANANTHAPURAM BRANCH,
   THIRUVANANTHAPURAM.

2. THE AUTHORISED OFFICER,
   INDIAN BANK, M.G.ROAD,
   THIRUVANANTHAPURAM BRANCH,
   THIRUVANANTHAPURAM.

BY ADV. SRI.T.K.AJITH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 NOTICE IN THE NEWSPAPER DT 28.11.06.

P2 COMMUNICATION DT 29.11.06.

P3 REPLY DT 2.12.06 ISSUED BY THE BANK.

P4 NOTICE OF INTENDED SALE DT 2.3.07.

P5 TENDER DOCUMENTS FORMAT DT 6.3.07.

P6 NOTIFICATION IN THE NEWSPAPER DT 6.3.07.

P7 COMMUNICATION DT 31.5.06.

P8 CERTIFICATE ISSUED BY THE BANK DT 10.10.06.

P9 CERTIFICATE ISSUED BY THE BANK DT 10.10.06

TRUE COPY

P.A. TO JUDGE

S. SIRI JAGAN, J.

W.P.(C)NO.11519 OF 2007

DATED THIS THE 25th DAY OF MAY, 2007

JUDGMENT

The respondents appear through counsel. The learned counsel for the respondents submits that the petitioners have not complied with the interim order dated, 3.4.07.

2. In this case, the petitioners are challenging the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002. It is settled law that such challenge can only be by way of an appeal before the Debt Recovery Tribunal.

In the above circumstances, this writ petition is not maintainable and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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